

Gary Nelson Cal. SBN 85487  
Attorney at Law  
121 Broadway, Suite 250  
San Diego, CA 92101  
(619) 239-2530

FILED

08 MAY 30 PM 1:51

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Attorney for Defendants  
KENNETH JAMES RANDALL and  
RICHARD ALLAN WRIGHT

BY: Ece DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTIONS, INC. )

Plaintiff, )

vs. )

KENNETH JAMES RANDALL and )  
RICHARD ALLAN WRIGHT, )  
individually and dba )  
TRIPLE CROWN PUB, )

Defendants. )

Case Number: '08 CV 494 JAH BLM

ANSWER OF KENNETH JAMES RANDALL  
AND RICHARD ALLAN WRIGHT TO  
COMPLAINT FOR DAMAGES

Defendants Kenneth James Randall and Richard Allan Wright (hereinafter "Defendants"), together doing business as Triple Crown Pub, a dba of Triple Crown Pub, Inc., a California corporation, answer plaintiff's Complaint (hereinafter "the Complaint") as follows. Unless otherwise indicated, their answers as "defendants" is intended to include each defendant's individual as well as joint responses to the allegations.

General Allegations

1. Defendants lack sufficient knowledge or information to

1 form a belief as to the truth of the allegations contained in  
2 Paragraphs 1, 2 and 6 of the Complaint; and by reason thereof they  
3 deny all of the allegations contained therein.

4 2. As to Paragraphs 3, 4 and 5 of the Complaint, defendants  
5 lack sufficient knowledge or information to form a belief as to  
6 the truth of the allegations pertaining to personal jurisdiction,  
7 venue or intradistrict assignment and for those reasons they deny  
8 all allegations pertaining thereto. As to the remaining  
9 allegations contained in those Paragraphs, defendants, and each of  
10 them, deny all allegations that they committed wrongful acts  
11 against plaintiff and further deny all allegations and inferences  
12 that they violated any of plaintiff's rights or that they  
13 committed any wrongful acts of interception, publication or  
14 tortious conversion of plaintiff's property as alleged in the  
15 Complaint.

16 3. As to Paragraphs 7 and 8 of the Complaint, defendants  
17 admit that they own and operate a business known as the Triple  
18 Crown Pub, which is incorporated as a California corporation,  
19 Triple Crown Pub, Inc., and is located at 3219-3221 Adams Avenue,  
20 San Diego, CA 92116. Defendants deny all other allegations  
21 contained in Paragraphs 7 and 8 of the Complaint as redundant and  
22 confusing legal conclusions.

23 **Answer To Allegations As To Count One**

24 4. As to Paragraph 9 of the Complaint, defendants  
25 incorporate by reference the respective admissions and denials  
26 contained in Paragraphs 1 through 3 of this Answer as though set  
27 forth in full as to Count One of the Complaint.  
28

1  
2 5. Defendants lack sufficient knowledge or information to  
3 form a belief as to the truth of the allegations contained in  
4 Paragraphs 10, 11 and 12 of the Complaint; and by reason thereof  
5 they deny all of the allegations contained therein.

6 6. As to Paragraph 13 of the Complaint, defendants deny  
7 that they, or any agent, servant, workman or employee of theirs or  
8 of their dba Triple Crown Pub, unlawfully intercepted, unlawfully  
9 published, unlawfully divulged or unlawfully exhibited any Program  
10 at the time of its transmission as alleged in said Paragraph.  
11 Defendants further deny the allegations in said Paragraph that the  
12 allegedly unauthorized interception, publication, exhibition and  
13 divulgence was done willfully and for purposes of direct or  
14 indirect commercial advantage or private financial gain.

15 7. As to Paragraph 14 of the Complaint, defendants are  
16 informed and believe that 47 United States Code section 605, et  
17 seq, prohibits unauthorized interception, publication, divulgence  
18 or reception of wire or radio communications. However, they lack  
19 sufficient knowledge or information to form a belief as to the  
20 truth of plaintiff's allegations that plaintiff possessed the  
21 distribution rights as it alleges in Paragraph 14 of its Complaint  
22 and by reason thereof they deny the allegations contained therein  
23 to that effect.

24 8. Defendants deny that they violated 47 United States Code  
25 section 605, et seq, as alleged in Paragraph 15 of the Complaint.  
26 Defendants lack sufficient information, knowledge and belief as to  
27 whether plaintiff is entitled under the law to maintain a private  
28 right of action against them pursuant to said statute as alleged

1 in Paragraph 16 of the Complaint and, by reason thereof, deny such  
2 allegations. Defendants further deny that plaintiff is entitled  
3 to damages against said defendants, or either of them, in the  
4 amounts or nature as alleged in Paragraph 17 of the Complaint or  
5 in any other amounts or nature whatsoever.

6 **Answer To Allegations As To Count Two**

7  
8 9. As to Paragraph 18 of the Complaint, defendants  
9 incorporate by reference the admissions, denials and other  
10 responses contained in Paragraphs 1 through and including 8 of  
11 this Answer as though they were set forth in full herein.

12 10. Defendants deny that they committed any unauthorized  
13 interception, exhibition, publication or divulgence of any Program  
14 to which plaintiff allegedly possessed exclusive nationwide  
15 television distribution rights as plaintiff alleges in Paragraph  
16 19 of the Complaint; and they further deny any violation by them,  
17 or by either of them, of 47 United States Code section 553, et  
18 seq, which statute they are informed and believe prohibits  
19 unauthorized interception or reception of communications offered  
20 over a cable system.

21 11. Defendants deny that they violated 47 United States Code  
22 section 553, et seq, as alleged in Paragraph 20 of the Complaint,  
23 lack sufficient information, knowledge and belief as to whether  
24 plaintiff is entitled under the law to maintain a private right of  
25 action against them pursuant to said statute as alleged in  
26 Paragraph 21 of the Complaint and, by reason thereof, deny such  
27 allegations. Defendants further deny that plaintiff is entitled  
28 to damages against said defendants, or either of them, in the

1 amounts or nature as alleged in Paragraph 22 of the Complaint or  
2 in any other amounts or nature whatsoever.

3  
4 **Count 3**

5 12. In answer to Paragraph 23 of the complaint defendants  
6 incorporate by reference the admissions, denials and other  
7 responses contained in Paragraphs 1 through and including 11 of  
8 this Answer as though they were set forth in full herein.

9 13. Defendants, and each of them, deny each and every  
10 allegation contained in Paragraphs 24, 25 and 26 of the Complaint;  
11 deny that defendants committed any willful, malicious or  
12 intentionally harmful acts against plaintiff, and deny that  
13 plaintiff is entitled to any damages, compensatory or punitive,  
14 from defendants, or either of them.

15 **SEPARATE AFFIRMATIVE DEFENSES**

16 First Affirmative Defense

17 (Reservation of Rights)

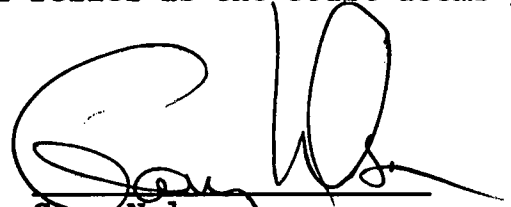
18 14. Inasmuch as plaintiff has refused to disclose to  
19 defendants any evidence it allegedly possesses that it asserts as  
20 proof of wrongdoing by defendants, they presently have  
21 insufficient knowledge or information upon which to form a belief  
22 as to whether they may have additional defenses available to them;  
23 and by reason thereof, they reserve the right to assert additional  
24 affirmative defenses in the event discovery or investigation in  
25 this matter indicates such defenses are available.

26 **Prayer**

27 **Wherefore,** defendants, and each of them, pray as follows as  
28 to each Count:

1. That plaintiff take nothing by way of its complaint;
2. That defendants be awarded all costs of suit;
3. That the Court award reasonable attorney's fees to defendants; and
4. For such other and further relief as the Court deems just and proper.

Dated: May 30, 2008.



Gary Nelson  
Attorney at Law  
Attorney for defendants  
Kenneth James Randall and  
Richard Allan Wright, dba  
Triple Crown Pub

Gary Nelson SBN: 85487

CASE NUMBER: '08 CV 494 JAH BLM

121 Broadway, Suite 250  
San Diego, California 92101  
(619) 239-2530

DECLARATION OF SERVICE

I, the undersigned, say: I am a citizen of the United States, over 18 years of age, employed in the County of San Diego, California, in which county the within-mentioned delivery occurred, and not a party to the subject cause. My business address is 121 Broadway, suite 250, San Diego, California 92101. On May 30, 2008, I served a copy of the ANSWER OF KENNETH JAMES RANDALL AND RICHARD ALLAN WRIGHT TO COMPLAINT FOR DAMAGES by placing a true and correct copy of the same in the United States Mail, first class postage fully prepaid thereon, addressed as follows:

Thomas P. Riley, Esq.  
Law Offices of Thomas P. Riley, P.C.  
First Library Square  
1114 Fremont Avenue  
South Pasadena, CA 91030

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 30, 2008, at San Diego, California.

  
Gary Nelson